

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY IVAN LARSON,

Defendant.

CR 22-79-GF-BMM

ORDER

The Court previously ordered Defendant Timothy Ivan Larson (“Larson”) to participate in outpatient treatment in Poplar, Montana, consistent with the provisions of 18 U.S.C. § 4241(d), to determine whether there exists a substantial probability that in the foreseeable future Larson will attain the capacity to permit the proceedings to go forward. (Doc. 34). The Court ordered this treatment on April 11, 2023. (*Id.*)

The Government filed a Motion to Revoke Larson’s pretrial release on May 3, 2023, and law enforcement took Larson into custody on May 4, 2023. (Doc. 35.) Larson stipulated to commitment to a Bureau of Prisons facility for hospitalization and treatment, and, in conjunction with the Government, requested that the Court commit Larson to the custody of the Attorney General for further restoration. (Doc.

40); (Doc. 42.) The Court ordered Larson committed to the Attorney General's custody on May 22, 2023. (Doc. 43.) The Bureau of Prison has not yet provided Larson with a bed in a suitable facility as the Court's Order contemplated. The Court deems it prudent to clarify the time-sensitivity of its previous Order.

ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Court's previous Order committing Larson to the custody of the Attorney General (Doc. 43) remains in effect.

IT IS FURTHER ORDERED that:

2. The Bureau of Prisons shall designate a facility within seven (7) days of this Order and make a bed available within thirty (30) days of designation. While the Court is aware of the resource limitations of the Bureau of Prisons, delay in the process will not be tolerated. *See United States v. Lambson*, 9:22-cr- 22-DWM, Doc. 25 (December 1, 2022).

3. The United States Marshal shall transport the defendant to the designated facility within ten (10) days of being informed that a bed is available. The Attorney General or his representative at the facility to which the defendant is committed shall promptly notify the Court of the determination made regarding the probability that the defendant will regain capacity to proceed in the foreseeable future.

4. Once a facility is designated, the Clerk of Court is directed to provide the facility with a copy of this Order.

Dated this 8th day of June, 2023.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris
United States District Court Judge